



## GUAM'S MANDATORY ADULT PROTECTIVE SERVICES (APS) REPORTING REQUIREMENTS ACCORDING TO 10 GCA CH. 2

<b>Who Must Report?</b>	<p>Any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with elderly or disabled adults, including but are not limited to:</p> <ul style="list-style-type: none"> <li>• physicians,</li> <li>• medical interns,</li> <li>• medical examiners,</li> <li>• nurses,</li> <li>• chiropractors,</li> <li>• hospital personnel engaged in the admission, examination, care or treatment of persons,</li> <li>• social workers,</li> <li>• employees of nursing homes and adult day care facilities,</li> <li>• police officers,</li> <li>• probation officers and</li> <li>• employees of homemaker service agencies.</li> </ul> <p>Any person other than a mandatory reporter may make such report to APS if any such person has a reasonable cause to believe that an elderly or disabled adult is suffering from or has died as a result of abuse.</p>
<b>Standard of Knowledge</b>	Actual knowledge or reasonable cause to believe that an elderly or disabled adult is suffering from or has died as a result of abuse.
<b>Definition of Applicable Victim</b>	<p><b>Elderly:</b> A person sixty (60) years of age or older.</p> <p><b>Disable Adult:</b> Any person over the age of eighteen (18) years who:</p> <ul style="list-style-type: none"> <li>• Has a physical or mental impairment which substantially limits one (1) or more major life activities; or</li> <li>• Has a history of, or has been classified as, having an impairment which substantially limits one or more major life activities.</li> </ul> <p><b>Major Life Activity:</b> Functions such as, but not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.</p> <p><b>Elderly or Disabled Adult Abuse:</b> Any one (1) or more of the following acts inflicted on an elderly or disabled adult by other than accidental means by another person: physical abuse, neglect, abandonment, or self neglect.</p>

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<p><b>Other Definitions</b></p>	<ul style="list-style-type: none"> <li>• <b>Abandonment:</b> The desertion or willful forsaking of an elderly or disabled adult by his or her caregiver under circumstances in which a reasonable person would continue to provide care or custody.</li> <li>• <b>Care Giver:</b> Any family member or any person, health facility, community care facility, clinic, home health care agency or legal guardian who has the care or custody of the elderly or disabled adult.</li> <li>• <b>Material Abuse:</b> Illegal or improper use of an elderly or disabled adult's money, property or other resources for monetary or personal benefit, profit or gain. It includes but is not limited to theft, misappropriation, concealment, misuse or fraudulent deprivation of money or property belonging to the elderly or disabled adult.</li> <li>• <b>Mental or Emotional Abuse:</b> Includes but is not limited to verbal assaults, insults, threats, intimidation, humiliation, harassment, isolation which provokes fear, agitation, confusion or severe depression.</li> <li>• <b>Neglect:</b> The failure of a caregiver to provide for the physical, mental or emotional health and well-being of the elderly or disabled adult and includes but is not limited to: <ul style="list-style-type: none"> <li>(a) Failure to assist or provide personal hygiene for the elderly or disabled adult.</li> <li>(b) Failure to provide adequate food, water, clothing or shelter.</li> <li>(c) Failure to provide medical care for the physical and mental health of the elderly or disabled adult. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.</li> <li>(d) Failure to protect an elderly or disabled adult from health and safety hazards.</li> </ul> </li> <li>• <b>Physical Abuse:</b> The willful infliction of injury which results in physical harm. It includes but is not limited to cruel punishment resulting in physical harm or pain or mental anguish, such as direct beatings, slapping, kicking, biting, choking, burning, sexual assault or molestation, or unreasonable physical restraint or confinement resulting in physical injury.</li> <li>• <b>Physical Harm:</b> Bodily pain, injury, impairment or disease.</li> </ul>
<p><b>Reports Made To</b></p>	<p>Adult Protective Services (671) 735-7388</p>
<p><b>Contents of Report</b></p>	<p>Oral or written reports shall include the following information, if available:</p> <ul style="list-style-type: none"> <li>• The name of the person making the report and where he or</li> </ul>

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	<p>she can be reached.</p> <ul style="list-style-type: none"> <li>• The name, address and approximate age of the elderly or disabled adult.</li> <li>• Information regarding the nature and extent of the abuse, the name of the person's caretaker, if known, and any medical treatment being received or immediately required, if known.</li> <li>• The name of the person or persons responsible for causing the suspected abuse.</li> <li>• The source of the report.</li> <li>• Any other information which may assist in the investigation of the suspected abuse.</li> </ul>
<b>Timing/ Report Procedures</b>	<p>Reports shall be made immediately by telephone and followed up in writing on the APS form within forty-eight (48) hours of the oral report.</p> <ul style="list-style-type: none"> <li>• The form may be downloaded and completed as a PDF from: <a href="http://www.govguamdocs.com/dphss/index_dphss.htm">http://www.govguamdocs.com/dphss/index_dphss.htm</a> under Division of Senior Citizens (Adult Protective Services Unit Referral, updated).</li> <li>• The form may also be completed by printing the form and handwriting it.</li> <li>• The written report must be hand delivered to APS within forty-eight (48) hours of the oral report.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• Reports may be made anonymously.</li> <li>• The identity of the person making the report shall be confidential, but made available to an agency contracted by APS to provide case investigation.</li> <li>• Any person who in good faith makes a report of suspected elderly or disabled adult abuse is immune from civil or criminal liability for reporting.</li> <li>• Any person required to report a case of suspected elderly or disabled adult abuse who fails to so report shall be liable for a fine of not more than \$500, except that for a second or subsequent offense, such person shall be guilty of a misdemeanor.</li> </ul>

*Disclaimer: This guide is not a substitute for compliance with the law. The guide is for training only.*